

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

DAVID R. STICKNEY (Bar No. 188574)  
(davids@blbglaw.com)  
12481 High Bluff Drive, Suite 300  
San Diego, CA 92130  
Tel: (858) 793-0070  
Fax: (858) 793-0323

-and-

MARK LEBOVITCH  
(markl@blbglaw.com)  
AVI JOSEFSON  
(avi@blbglaw.com)  
1251 Avenue of the Americas  
New York, NY 10020  
Tel: (212) 554-1400  
Fax: (212) 554-1444

*Counsel for Proposed Lead Plaintiff  
Union Asset Management Holding AG  
and Proposed Lead Counsel for the Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

CITY OF SUNRISE FIREFIGHTERS'  
PENSION FUND, on behalf of themselves  
and all others similarly situated,

Plaintiff,

v.

ORACLE CORPORATION, SAFRA A.  
CATZ, MARK HURD, LAWRENCE J.  
ELLISON, THOMAS KURIAN, KEN  
BOND, and STEVE MIRANDA,

Defendants.

Case No. 5:18-cv-04844-BLF

CLASS ACTION

**NOTICE OF NON-OPPOSITION TO  
UNION ASSET MANAGEMENT  
HOLDING AG'S MOTION FOR  
APPOINTMENT AS LEAD  
PLAINTIFF AND APPROVAL OF ITS  
SELECTION OF LEAD COUNSEL**

Date: April 11, 2019  
Time: 9:00 a.m.  
Dept.: Courtroom 3, 5th Floor  
Judge: Honorable Beth Labson Freeman

1           Lead Plaintiff movant Union respectfully submits this notice of non-opposition to its  
2 motion for appointment as Lead Plaintiff and approval of its selection of Bernstein Litowitz as  
3 Lead Counsel for the Class in the above-captioned action. *See* ECF No. 17.<sup>1</sup>

4           Union is the presumptive Lead Plaintiff in this action. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii).  
5 The statutory deadline to seek appointment as Lead Plaintiff in this action was October 9, 2018.  
6 *See* ECF No. 17 at 5. That day, Union was the only Class member to file a motion for appointment  
7 as Lead Plaintiff. With the deadline to oppose Union’s motion having passed, *see* Local Rule 7-  
8 3(a), Union’s motion is now unopposed. And with losses of approximately \$15.2 million when  
9 calculated on a FIFO basis and approximately \$7.8 million when calculated on a LIFO basis, Union  
10 has the “largest financial interest” in the outcome of the litigation. 15 U.S.C. § 78u-  
11 4(a)(3)(B)(iii)(I)(bb).

12           Union also satisfies the typicality and adequacy requirements of Rule 23 because its claims  
13 are typical of other Class members’ claims and because it will fairly and adequately represent the  
14 interests of all Class members. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(cc). The typicality  
15 requirement is satisfied if the movant “has suffered the same injuries as absent class members, as  
16 a result of the same conduct by the defendants.” *In re Extreme Networks Inc. Sec. Litig.*, No. 15-  
17 cv-04883-BLF, 2016 WL 3519283, at \*3 (N.D. Cal. June 28, 2016) (citation omitted) (Freeman,  
18 J.). Here, Union and all other Class members’ claims arise from the same course of events, and  
19 their legal arguments to prove Defendants’ liability are nearly identical. Like all other Class  
20 members, Union (1) purchased Oracle common stock during the Class Period, (2) at prices  
21 artificially inflated by Defendants’ materially false and misleading statements and/or omissions,  
22 and (3) was damaged thereby. As such, Union is a typical Class representative.

23           Union will also adequately represent the interests of the Class. “The test for adequacy asks  
24 whether the class representative and his counsel ‘have any conflicts of interest with other class  
25 members’ and whether the class representative and his counsel will ‘prosecute the action  
26 vigorously on behalf of the class.’” *City of Dearborn Heights Act 345 Police & Fire Ret. Sys. v.*

27 \_\_\_\_\_  
28 <sup>1</sup> All capitalized terms are defined in Union’s opening brief, unless otherwise indicated. *See id.*

1 *Align Tech., Inc.*, No. 12-CV-06039-LHK, 2013 WL 2368059, at \*4 (N.D. Cal. May 29, 2013)  
 2 (citation omitted). Here, Union satisfies these elements because its substantial financial stake in  
 3 the litigation provides the ability and incentive to vigorously represent the Class' claims. Union's  
 4 interests are perfectly aligned with those of the other Class members and are not antagonistic in  
 5 any way. There are no facts to suggest any actual or potential conflict of interest or other  
 6 antagonism between Union and other Class members.

7 Further, Union—a sophisticated institutional investor—is a paradigmatic Lead Plaintiff  
 8 under the PSLRA. *See* H.R. Conf. Rep. No. 104-369, at \*34 (1995), *reprinted in* 1995  
 9 U.S.C.C.A.N. 730, 733 (1995) (explaining that “increasing the role of institutional investors in  
 10 class actions will ultimately benefit shareholders and assist courts by improving the quality of  
 11 representation in securities class actions”). Indeed, Union has served as Lead Plaintiff in cases  
 12 subject to the PSLRA in this District, including *Hefler v. Wells Fargo & Company*, No. 16-cv-  
 13 5479 (N.D. Cal.), in which it—with Bernstein Litowitz as Lead Counsel—recently achieved a  
 14 \$480 million recovery for investors (pending court approval). Thus, Union is a prototypical Lead  
 15 Plaintiff contemplated by the PSLRA.

16 Accordingly, Union respectfully requests that the Court appoint it Lead Plaintiff, approve  
 17 its selection of Bernstein Litowitz as Lead Counsel for the Class, and grant such further relief as  
 18 the Court may deem just and proper.

19 Dated: October 24, 2018

Respectfully submitted,

20 **BERNSTEIN LITOWITZ BERGER**  
 21 **& GROSSMANN LLP**

22 /s/ David R. Stickney

DAVID R. STICKNEY

23 David R. Stickney (Bar No. 188574)  
 24 (davids@blbglaw.com)  
 12481 High Bluff Drive, Suite 300  
 25 San Diego, CA 92130  
 Tel: (858) 793-0070  
 26 Fax: (858) 793-0323

27 -and-

28 MARK LEBOVITCH  
 (markl@blbglaw.com)

1 AVI JOSEFSON  
2 (avi@blbglaw.com)  
3 1251 Avenue of the Americas  
4 New York, NY 10020  
5 Tel: (212) 554-1400  
6 Fax: (212) 554-1444

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
*Counsel for Proposed Lead Plaintiff  
Union Asset Management Holding AG  
and Proposed Lead Counsel for the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

/s/ David R. Stickney

DAVID R. STICKNEY

David R. Stickney (Bar No. 188574)  
(davids@blbglaw.com)  
12481 High Bluff Drive, Suite 300  
San Diego, CA 92130  
Tel: (858) 793-0070  
Fax: (858) 793-0323

*Counsel for Proposed Lead Plaintiff  
Union Asset Management Holding AG  
and Proposed Lead Counsel for the Class*